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Draft report of the Implementation Review Group on its first resumed ninth session, held in Vienna from 3–5 September 2018

Addendum

V. Technical Assistance

1. In resolution 6/1, the Conference requested the Secretariat to structure the provisional agendas of its subsidiary bodies in such a way as to avoid the duplication of discussions, while respecting their mandates. Therefore, and in line with the thematic focus of the first resumed ninth session of this Group, a representative of the Secretariat presented an oral briefing on both the technical assistance needs identified in the country reviews, as well as technical assistance provided by UNODC in relation to the implementation of Chapter II (Preventive measures) of the Convention. Reference was also made to the Background Note by the Secretariat for the upcoming ninth session of the Working Group on the Prevention of Corruption entitled "Status of implementation of Conference resolutions 7/5 entitled "Promoting preventive measures against corruption" and 7/6, entitled "Follow-up to the Marrakech declaration on the prevention of corruption" (CAC/COSP/WG.4/2018/4).

2. Based on an analysis of the information contained in the eleven finalized country reviews conducted in the second cycle, the representative of the secretariat explained that seven of those contained technical assistance needs. Of the needs identified, nearly two thirds related to Chapter II (Preventive measures) and one third to Chapter V (Asset recovery) of the Convention. Some trends echoed those already identified during the first review cycle, such as the needs for legislative assistance, as well as institution- and capacity-building. New trends highlighted included the need to enhance outreach and reinforce contacts with external stakeholders, in particular the general public. These new trends can be seen as a reflection of the overall goal for all parts of society to play a role in fighting and preventing corruption.

3. In relation to technical assistance in support of the Convention, the representative outlined a number of actions taken by UNODC, including the launch of the Global Judicial Integrity Network in April 2018. Furthermore, the representative explained how UNODC had continued to support legislative drafting and pre-accession processes in 15 States. The increasing number of requests for support in drafting national anti-corruption strategies also led the Secretariat to include a new session in its Implementation Review Mechanism trainings for focal points and governmental experts in Moscow and in Panama in April 2018.

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4. Two panel discussions were organized during the consideration by the Group of the item on technical assistance.

5. During the first panel, the panellists from Belgium and Guinea spoke of how, during a focal point training held in Vienna, they had noted the complementarity in Belgium's experiences in implementing the Convention and Guinea's technical assistance needs. The two States agreed to work together to address some of Guinea's assistance needs in relation to asset management by organizing a study tour to Belgium. The panellist from Guinea explained how the visit had been very productive as the Guinean delegation had been able to meet with a wide range of counterparts. He further outlined the bilateral assistance agreements had been concluded with France and Egypt, the United States and Tunisia. Guinea had also reached out to most States parties in West Africa to enhance cooperation efforts in the area of anti-corruption within the region. In response to a question, the panellist from Belgium explained how her country believed that technical assistance should be cross-cutting and multi-faceted, as well as tailored to the specific request. She further explained that her country carried out a considerable amount of preparatory work to meet the needs identified as precisely as possible. This was done for all forms of cooperation, and the panellist explained how similar bilateral assistance was being developed for other States that had approached Belgium.

6. The panellist from the Plurinational State of Bolivia outlined his country's belief that the Mechanism was strengthening the implementation of the Convention globally. In particular, he underscored the importance of breathing life into the letter of the Convention and translate it into concrete action to prevent and combat corruption. Focusing on the Plurinational State of Bolivia's asset declaration system, the panellist outlined his country's reform efforts concerning the verification of asset declarations by introducing a system to spot-check such declarations. In this regard, he noted that over the course of the last six years, verifications of asset declarations made by 531 public officials and former public officials had taken place. The panellist highlighted that, of the 90 public officials and former public officials whose declarations were verified in 2016–2017, the declarations made by 18 officials were verified without any further observations, while 66 public officials had provided justifications with regard to the observations that had been made concerning their declarations. The declarations made by the remaining six public officials were found to contain indications of criminal liability, which were subsequently reported to the Office of the Attorney-General for further investigation and potential prosecution. Given the results obtained from the verifications, the panellist noted the importance of introducing such spot-checking systems to strengthen asset declaration systems, and underscored the need for the efficient sharing of information from various inter-agency sources such as customs authorities, property and company registers and migration authorities to allow for the meaningful and swift verification of asset declarations. In response to a question, the panellist explained that the selection of declarations to review was based on the alert of anomalies in the declarations, complaints or other alerts that were received.

7. The panellist from Sri Lanka spoke of his country's technical assistance needs in relation to the "Citizen's Charter", which was based on the recognition by his government that many public officials did not fully understand their role as public servants. In order to address this, each public institution would display a clear outline of each step of the process required to receive services from the institution. Creating a transparent process would inform public officials of what was required from them, while, at the same time, prevent opportunities for corruption. The next step would be to increase the availability of online services. By limiting the direct interaction between public servants and citizens again opportunities for corruption would be reduced. The panellist highlighted that, in order to fully implement these initiatives, Sri Lanka relied on technical assistance and expertise from abroad. While Sri Lanka had independently addressed a number of institutional and legislative challenges identified in his country, the full implementation required for public officials to be trained in order to have the required expertise. In this context, he highlighted the need

for capacity-building, training and the sharing of good practices in order to equip Sri Lanka's public officials with the technical experience and knowledge to implement the new measures in practice. He called on the international community to respond favourable to such requests for assistance.

8. The panellist from New Zealand made some general observations on the different requirements of Chapters II and V and what they might imply from a technical assistance perspective. The panellist shared his country's recent experience in acting as a reviewing State party in a second cycle country review. In this regard, he emphasized that technical assistance needs should be specific, sustainable and equitable. The panellist provided some examples of providing technical assistance by focusing on New Zealand's technical assistance to countries in the Pacific to illustrate how such an approach could work. The first example of the presentation on the Pacific Association of Supreme Audit Institutions (PASAI) and its strategic priority #4 "SAI Capacity and Capacity Enhanced". This priority had a twin focus on both the organizational capacity of Supreme Audit Institutions and the professional capacity of their employees. The second example focused on the Pacific Judicial Strengthening Initiative, with the goal to build fairer societies by supporting the courts in 14 Pacific Island countries to develop more accessible, just, efficient and responsive justice services. The panellist ended his presentation by highlighting how the examples mentioned had yielded very promising positive results.

9. The panellist from Brazil introduced the "Report on technical assistance provision by G20 Anti-Corruption Working Group" (CAC/COSP/IRG/2018/CRP.12). The G20 ACWG compiled inputs of all its member countries on areas where good practices could be shared with other countries in relation to the implementation of the articles in Chapters III and IV of the Convention. The report further compared the types of assistance that G20 countries could provide in relation to the technical assistance needs stemming from the first cycle reviews. During the presentation, the panellist demonstrated how Brazil as co-chair of the G20 ACWG had used the data on technical assistance needs prepared by UNODC to identify where the greatest number of needs lay. He further showed how the assistance available was then compared with the assistance needs. Furthermore, the panellist explained Brazil's efforts to reach agreement by G20 countries to post their individual responses to the questionnaire on technical assistance online. Where States have agreed to this, such information was posted by UNODC on the respective UNCAC country profile pages. It was hoped that this information could help guide technical assistance requests to the States that deemed themselves as having the capacity to provide particular expertise. During the panel, the Brazilian questionnaire was showcased by a member of the secretariat and used to exemplify the type of information that was made available online.

10. During the ensuing debate, several speakers underscored how technical assistance formed an integral part of the Convention, a feature that was unique to this Convention and to the United Nations Convention on Transnational Organized Crime. Several speakers emphasized that technical assistance was a key component of the Implementation Review Mechanism and, in this regard, stressed the value of the efforts undertaken by UNODC and States. One speaker referred to the need to take into account the role and function of the Group as well as to examine its work, including limitations and difficulties encountered, with a view to identifying appropriate responses to the needs for technical assistance identified in the reviews. The availability of technical assistance was seen as a pre-condition for many States to implement the recommendations emanating from country reviews.

11. While some speakers referred to their countries' technical assistance programme delivery, others identified their needs for technical assistance. One speaker noted that they had already engaged bilaterally in order to fill that gap. Other speakers welcomed the technical assistance provided by UNODC, including on capacity-building.

12. Some speakers noted that, as a consequence of the requirements set by the Convention, the recommendations by the reviewing governmental experts might

exceed the capacities of the States parties under review. This was particularly the case for developing States. In this regard, another speaker emphasized that the existence of certain institutions established in line with the Convention did not constitute a guarantee that the technical capacity to implement the institutions' mandate existed. As an example, the speaker mentioned how cash-based societies encountered challenges in implementing the asset recovery and anti-money-laundering provisions of the Convention. Another speaker mentioned how the implementation of a number of preventive measures, such as conflict of interest and asset declarations as well as on judicial integrity and transparency had been possible only thanks to the technical assistance his country had received. It was noted that technical assistance allowed for the effective implementation of the Convention and ensured the further evolution of the Mechanism.

13. The Secretary of the Conference concurred with the many speakers who had emphasized the importance of technical assistance. He referred to the specific provisions on technical assistance, which were contained in the Convention. He reminded the Group that such assistance had become inextricably linked to the Implementation Review Mechanism through the decision of the Conference of the States Parties to use the Mechanism, inter alia, for the purpose of identifying technical assistance needs. He also reiterated that UNODC was not the sole provider of technical assistance in the area of anti-corruption. In referring to the presentations and interventions, he stressed the importance of bilateral assistance and the work of other such providers in this regard.

14. Furthermore, the Secretary reiterated that special importance should be attached to directing efforts towards the identification of technical assistance needs and acknowledged particularly the efforts undertaken by developing countries in the framework of the Mechanism which represented a proportionally significantly greater investment than that made by developed countries. In this regard he reiterated the need to respond to calls for technical assistance so as not to frustrate the expectations of developing countries created by such investments. He emphasized that technical assistance needs identified through the Mechanism were benchmarked and that tangible impact and results were possible through the full implementation of the Convention. The Secretary noted the role of the Group as a forum for coordination efforts among all relevant stakeholders and that additional efforts were needed to improve information exchange and coordination. Moreover, the Secretary referred to the reforms, which were being undertaken by the Secretary-General of the United Nations and how UNODC would make efforts to ensure that the topics that continued to be discussed by the Group would find their way into the development support architecture that would emerge from those reforms.

VI. Financial and budgetary matters

15. The secretariat provided an oral update on extrabudgetary resources and expenditures incurred for the operation of the first and second cycles of the Review Mechanism as at 31 July 2018, on projected expenditures for the completion of the first cycle, and on projected expenditures for the operation of the first four years of the second cycle.

16. With regard to the regular budget resources and expenditures for the Review Mechanism in the biennium 2018–2019, the secretariat explained that this would be included in the next update on financial and budgetary matters at the second resumed ninth session of the Group while emphasizing that with the decision by the General Assembly to establish three additional regular budget posts, the regular budget costs had been capped and would not further increase.

17. With respect to the extrabudgetary expenditures for the Mechanism, the Secretary informed the Group that the total extrabudgetary expenditures amounted to US$ 9,695,600 in support of the first cycle and US$ 2,594,505 in support of the second cycle as at 31 July 2018.

18. Expressing its appreciation for the voluntary contributions and in-kind contributions received in support of the Mechanism, the secretariat informed the Group that these so far totalled US$ 14,935,600.

19. Drawing the Group's attention to the extrabudgetary funding gap, the secretariat pointed out that the voluntary contributions received so far, fully covered the estimated extrabudgetary resource requirements of US$ 10,119,300 for the completion of the first cycle, including anticipated expenditures. Furthermore, the secretariat informed the group that the estimated extrabudgetary resource requirements of US$ 4,010,900 for the first two years of the second cycle were fully covered. With regard to estimated extrabudgetary resource requirements of US$ 3,454,000 for the third and fourth years of the second cycle, the secretariat pointed out that the funding gap amounted to US$ 2,648,600.

20. While making reference to the Note by the Secretariat on Resources and expenditures for the functioning of the Mechanism for the Review of Implementation of the United Nations Convention against Corruption (CAC/COSP/IRG/2018/4), which had been submitted to the Group at its last session, the secretariat recalled that it had already reviewed and significantly lowered the projected resource requirements for the first four years of the second cycle and that the reduced estimates were based on the assumption that the application of the cost saving measures would be continued. The secretariat concluded that it was of utmost importance that the Group continued to pursue its efforts to ensure adequate financing of the entire second cycle.

21. Several speakers expressed their appreciation for the secretariat's regular financial reporting which contributed to the transparency of the work of the Mechanism.

22. Underscoring the importance and positive impact of the Review Mechanism and the need to ensure both the successful completion of the second cycle and its sustainable financing, which was pointed out as a key condition for the smooth and effective implementation of the Mechanism, several speakers recalled their countries' past and current financial support to the Review Mechanism and announced their continued support while encouraging other States Parties to also provide voluntary contributions in support of the Review Mechanism.

23. Some speakers stated their support for the current mixed funding model, with parts of the support to and operation of the Mechanism funded from the regular budget of the United Nations and other parts from voluntary contributions, in line with resolution 3/1 of the Conference and the terms of reference of the Mechanism.

24. Several speakers expressed appreciation for the secretariat's efforts to reduce the costs of the Review Mechanism. Suggesting further cost-saving measures, speakers proposed limiting on a voluntary basis the use of languages in reviews to two, limiting the information provided in the self-assessment checklists to the essential without duplication, as well as directly bearing the costs of translating working documentation. Speakers pointed out that these voluntary cost-saving measures should not negatively affect the quality of the country reviews or prejudice the principle of multilingualism.

25. One country proposed to reduce the meeting entitlements used by the subsidiary bodies of the Conference of the States Parties and invited States Parties to consider the value of a second resumed session, which might not be necessary. In this regard, the Secretary, while welcoming a review of the meeting schedule in preparation for the next session of the Conference, noted that that decision could be made only by the Conference. He further noted that any reductions in the entitlements for meetings of those subsidiary bodies would not result in savings that could be re-allocated to the Conference and its subsidiary bodies or in support of the Mechanism. In reference to the duration and agenda of the second resumed ninth session of the Group, he noted that the secretariat was considering a shorter duration of the session, without prejudice to the functions and work of the Group.

26. The Secretary acknowledged with gratitude the commitment of States to and support for the Implementation Review Mechanism, including through the provision of both financial and in-kind contributions. He noted that the secretariat continued to seek and implement cost-saving measures, while being fully committed to the principle of multilingualism and to ensuring that reviews continued to be in-depth and of high quality.

VII. Other matters

27. Under this item, one speaker, in speaking about the scheduling of the meetings held by the subsidiary bodies of the Conference of States parties, referred to the sets of draft non-binding recommendations and conclusions based on lessons learned regarding the implementation of Chapters III and IV of the Convention during the first review cycle (CAC/COSP/2017/5) and non-binding guidelines on the management of frozen, seized and confiscated assets (CAC/COSP/WG.2/2018/3, which had been considered by the Group at its regular session in June, as well as sought clarifications regarding agenda and the dates of the second resumed ninth session of the Group. In his response, the Secretary clarified that the resumed second ninth session, whose duration was under discussion, had been tentatively scheduled for the week of 12–16 November 2018 and that, in view of the resumed nature of that session, the agenda would remain the same.

VIII. Adoption of the report

28. On 4 September 2018, the Implementation Review Group adopted the report on its first resumed ninth session (CAC/COSP/IRG/2018/L.1/Add.8-11).